

ESTTA Tracking number: **ESTTA980007**

Filing date: **06/12/2019**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Serena & Lily, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	10 Liberty Ship Way, Suite 350 Sausalito, CA 94965 UNITED STATES		

Attorney information	Dustin Mauck RegitzMauck PLLC 1700 Pacific Ave, Suite 2610 Dallas, TX 75201 UNITED STATES dustin@regitzmauck.com, mike@regitzmauck.com 2144143816		
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Applicant Information

Application No	88263171	Publication date	05/14/2019
Opposition Filing Date	06/12/2019	Opposition Period Ends	06/13/2019
Applicant	Zuri's Lane, LLC 962 N Allumbaugh St, Boise, ID 83704 UNITED STATES		

Goods/Services Affected by Opposition


Class 024. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Baby blankets; Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Baby bunting; Bed sheets; Bed spreads; Bed throws; Diaper changing pads not of paper; Towel sets; Towels; Towels; Wash cloths; Baby blankets that may be used with strollers, car seats; Bath towels; Bed pads; Children's towels; Diaper changing cloths for babies; Hand towels


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4382515	Application Date	07/12/2012
Registration Date	08/13/2013	Foreign Priority	NONE

		Date	
Word Mark	SERENA & LILY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2004/05/01 First Use In Commerce: 2004/05/01 Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Bath towels; Bed blankets; Bed linen; Bed sheets; Bed skirts; Bed spreads; Bed throws; Blanket throws; Curtains; Duvet covers; Fabrics for textile use; Pillow shams; Shams; Shower curtains; Table linen, namely, tablecloths not of paper, fabric table runners, napkins, placemats; Tablecloths, not of paper; Towels		

U.S. Registration No.	3241729	Application Date	03/06/2006
Registration Date	05/15/2007	Foreign Priority Date	NONE
Word Mark	SERENA & LILY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2004/05/01 First Use In Commerce: 2004/05/01 Fabric, linens, and textiles for childrens' rooms, namely, bumpers, sheets, bed-skirts, matching cotton fabrics for furniture, pillows, and duvets		

Attachments	85675839#TMSN.png(bytes) 78829916#TMSN.png(bytes) NoticeofOppositionTobyLily.pdf(123732 bytes)
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Signature	/Dustin Mauck/
Name	Dustin Mauck
Date	06/12/2019

TRADEMARK OPPOSITION (TOBY & LILY)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD

Serial No. 88/263,171
Mark: TOBY & LILY
Filing Date: January 16, 2019
Publication Date: May 14, 2019

Serena & Lily, Inc.	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No.
	§	
Zuri’s Lane, LLC	§	
	§	
Applicant.	§	
	§	

NOTICE OF OPPOSITION

Serena & Lily, Inc. (“Opposer”), a Delaware corporation, believes that it will be damaged by registration of the mark “TOBY & LILY” that is the subject of Application Serial No. 88/263,171 in International Class 24, and hereby opposes that application in whole for the reasons below.

1. Zuri’s Lane, LLC, an Idaho limited liability company with an address of 966 N. Allumbaugh Street, Apartment No. 303, Boise, Idaho s (“Applicant”), seeks to register the mark “TOBY & LILY” in connection with “Baby blankets; Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Baby bunting; Bed sheets; Bed spreads; Bed throws; Diaper changing

pads not of paper; Towel sets; Towels; Towels; Wash cloths; Baby blankets that may be used with strollers, car seats; Bath towels; Bed pads; Children's towels; Diaper changing cloths for babies; Hand towels,” as evidenced by an “Intent to Use” trademark application that was filed on January 16, 2019. This application was published in the Official Gazette on May 14, 2019. Opposer opposes Applicant’s registration for these goods in International Class 24, and therefore, opposes the application in whole.

2. Opposer is the owner of multiple “SERENA & LILY” trademark registrations, including the following:

U.S. Registration No. 4382515 in International Class 24: “Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Bath towels; Bed blankets; Bed linen; Bed sheets; Bed skirts; Bed spreads; Bed throws; Blanket throws; Curtains; Duvet covers; Fabrics for textile use; Pillow shams; Shams; Shower curtains; Table linen, namely, tablecloths not of paper, fabric table runners, napkins, placemats; Tablecloths, not of paper; Towels” and

U.S. Registration No. 3241729 in International Class 24: “Fabric, linens, and textiles for childrens’ rooms, namely, bumpers, sheets, bed skirts, matching cotton fabrics for furniture, pillows, and duvets.”

3. Opposer sells goods described in these and other relevant trademark applications under the “SERENA & LILY” trademark and has used its “SERENA & LILY” trademark in interstate commerce widely and for an extended period of time. Therefore, Opposer has standing

to oppose the “TOBY & LILY” trademark application because allowing the application to register would likely cause confusion among “SERENA & LILY” customers.

4. Opposer would be damaged by registration of Applicant’s “TOBY & LILY” mark as set forth in Application Serial No. 88/263,171 because such registration and use of the “TOBY & LILY” mark could cause consumer confusion due to the similarities of the “SERENA & LILY” mark and the “TOBY & LILY” mark (appearance, sound, connotation, and commercial impression) and the similarity of the goods described in the “SERENA & LILY” trademark registrations and the goods described in Applicant’s application. To the extent that the goods described in Applicant’s application are not explicitly described in Opposer’s registrations, the goods are of such similarity and nature as to cause consumer confusion. Such confusion may result in the loss of business and/or dilution of Opposer’s “SERENA & LILY” trademark.

5. Opposer has priority of use of its “SERENA & LILY” trademarks, in part by virtue of ownership of the above-referenced trademark registrations, each with filing dates prior to any date of first use on which Applicant can rely.

6. The registration of Applicant’s trademark application would violate 15 U.S.C. § 1052(d) (Trademark Act Section 2(d)) because “TOBY & LILY” consists of or comprises a mark which so resembles one or more of the “SERENA & LILY” marks registered in the Patent and Trademark Office and used in commerce in the United States, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Applicant prays that the registration sought by Applicant (Serial No. 88/263,171) be REFUSED and that this Opposition be SUSTAINED. The fee required under 37 C.F.R. § 2.6(17) is enclosed.

All correspondence and telephonic communications should be directed to:

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Dated: June 12, 2019

Respectfully Submitted,

/Dustin M. Mauck/
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COUNSEL FOR OPPOSER
SERENA & LILY, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Zuri's Lane, LLC by forwarding said copy on June 12, 2019, via e-mail to:

Yagoub Khair
Principal
Zuri's Lane, LLC
966 N. Allumbaugh St.
Boise, ID 83704
Support@tobyandlily.com

/Dustin M. Mauck/
Dustin M. Mauck, Reg. #57,782